



**DEPARTMENT OF WATER RESOURCE'S ACTION SETTING ASIDE  
CERTIFICATION, AND RESCINDING FINDINGS, STATEMENT OF OVERRIDING  
CONSIDERATIONS, MITIGATION, MONITORING AND REPORTING PLAN, AND  
PROJECT APPROVAL OF CALIFORNIA WATERFIX**

**Whereas**, on February 12, 2019, Governor Gavin Newsom, in his State-of-the-State Address informed the State that he does not support WaterFix as currently configured.

**Whereas**, on April 29, 2019, Governor Gavin Newsom issued Executive Order N-10-19 ordering the following:

“The California Natural Resources Agency, the California Environmental Protection Agency, the California Department of Food and Agriculture, in consultation with the Department of Finance, shall together prepare a water resilience portfolio that meets the needs of California’s communities, economy, and environment through the 21<sup>st</sup> century. These agencies will reassess priorities contained within the 2016 California Water Action Plan, update projected climate change impacts to our water systems, identify key priorities for the administration’s water portfolio moving forward, and identify how to improve integration across state agencies to implement these priorities.”

**Whereas**, on May 2, 2019, I issued a memo to the Delta Conveyance Office (DCO) notifying it that I am withdrawing approval of California WaterFix and further directed them to notify the State Clearinghouse that DWR rescinds the Notice of Determination that was filed pursuant to the requirements of the California Environmental Quality Act (CEQA). I further directed the DCO that this notice should also rescind the adoption of the findings of fact, statement of overriding considerations, and mitigation monitoring and reporting program that accompanied approval of the California WaterFix Project on July 21, 2017.

**Whereas**, on July 21, 2017, Cindy Messer, then Acting Director of Department of Water Resources (DWR), the lead agency under CEQA, made the following statement:

"I certify that the Final EIR has been completed in compliance with CEQA, that the Final EIR was presented to me in my capacity as DWR's decision-making body, and that the Final EIR reflects DWR's independent judgment and analysis. I have reviewed and considered the information contained within the Final EIR prior to approval of the project."

**Whereas**, on July 21, 2017, Cindy Messer, also adopted Findings, Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Plan.

**Whereas**, on July 21, 2017, Cindy Messer made the following approval:

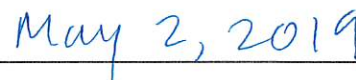
"...[P]ursuant to CEQA Guidelines section 15092 and after considering the certified Final EIR, including all issues raised by commenters during preparation of the 2013 Draft EIR/EIS, the 2015 RDEIR/SDEIS, and the Final EIR as certified, including the "Developments after Publication of the Proposed Final Environmental Impact Report," which also includes an erratum and in conjunction with adopting the Findings, Statement of Overriding Considerations, and Mitigation and Monitoring Program under CEQA, I approve the California WaterFix project identified as Alternative 4A within the Final EIR and have executed the Notice of Determination, Exhibit D."

**Now therefore**, DWR takes the following action:

As Director of DWR, the lead agency under CEQA, I hereby set aside DWR's July 21, 2017 certification and hereby rescind the adoption of findings, statement of overriding considerations, and Mitigation, Monitoring and Reporting Plan, and project approval.



Karla A. Nemeth, Director



Date